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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOSEPH MICHAEL GIANNONE, an  
individual,

Plaintiff,

vs.

NEVADA PROPERTY 1, LLC d/b/a THE  
COSMOPOLITAN OF LAS VEGAS, a  
Foreign Limited-Liability Company; DOES I  
through XX; and ROE BUSINESS  
ENTITIES I through XX, inclusive,

Defendants.

CASE NO.: 2:24-cv-00627 -NJK

**STIPULATION AND ORDER TO MODIFY  
SCHEDULING ORDER TO EXTEND  
PRETRIAL ORDER DEADLINE (in  
compliance with Local Rule 26-3) (First  
Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, JOSEPH MICHAEL GIANNONE, by and through his counsel of record, Dillon G. Coil, Esq. and Riley A. Clayton, Esq., of Cloward Trial Lawyers, and Defendant, NEVADA PROPERTY 1, LLC d/b/a THE COSMOPOLITAN OF LAS VEGAS, by and through their attorneys of record, Chris J. Richardson, Esq., and Kimberly A. Nelson, Esq., of Wilson Elser Moskowitz Edelman & Dicker, LLP, that the deadlines in the controlling scheduling order [ECF NO. 41] be continued as follows:

**A. DISCOVERY COMPLETED PURSUANT TO FED. R. CIV. P. 26(a):**

1. The parties participated in the Fed. R. Civ. P. 26(f) conference on May 22, 2024.
2. Plaintiff produced his initial Fed. R. Civ. P. 26(a) disclosures on June 18, 2024.





3. Defendant produced their initial Fed. R. Civ. P. 26(a) disclosures on June 21, 2024.
4. Plaintiff produced their first supplemental Fed. R. Civ. P. 26(a) disclosures on August 20, 2024.
5. Plaintiff deposed Defendant's employee, Anthony Mora, on September 24, 2024.
6. Plaintiff deposed Defendant's employee, Daniel Quinlan, on September 24, 2024.
7. Plaintiff deposed Defendant's employee, Phillip Garcia, on September 25, 2024.
8. Defendant produced their first supplemental disclosure on September 27, 2024.
9. Defendant produced their second supplemental Fed. R. Civ. P. 26(a) disclosures on September 27, 2024.
10. Plaintiff deposed Defendant's employee, DeSean Johnson, on October 11, 2024.
11. Plaintiff deposed Defendant's employee, Christian Guerra, on October 11, 2024.
12. Plaintiff served written discovery to Defendant on October 14, 2024.
13. Defendant produced their third supplemental Fed. R. Civ. P. 26(a) disclosures on October 18, 2024.
14. Mediation was held with Hon. Trevor Atkin (Ret.) on October 23, 2024.
15. Defendant served its responses to Plaintiff's written discovery on November 20, 2024.
16. Defendant produced their fourth supplemental Fed. R. Civ. P. 26(a) disclosures on November 20, 2024.
17. Plaintiff deposed Defendant's employee, LaRon Sanders, on November 21, 2024.
18. Plaintiff served his initial designation of expert witnesses on November 25, 2024.
19. Plaintiff produced his second supplemental Fed. R. Civ. P. 26(a) disclosures on November 25, 2024.
20. Defendant served its initial designation of expert witnesses on November 25, 2024.
21. Defendant produced their fifth supplemental Fed. R. Civ. P. 26(a) disclosures on November 26, 2024.
22. Plaintiff deposed Defendant's employee, Matt Mikich, on December 13, 2024.
23. Plaintiff served his designation of rebuttal expert witnesses on December 23, 2024.

24. Plaintiff produced his third supplemental Fed. R. Civ. P. 26(a) disclosures on December 23, 2024.

25. Defendant served its designation of rebuttal expert witnesses on December 26, 2024.

26. Defendant deposed Plaintiff, Joseph Giannone, on February 7, 2025.

27. Plaintiff deposed Defendant's FRCP 30(b)(6) Designee, Matthew John Rice, on March 25, 2025.

28. Defendant produced their sixth supplemental Fed. R. Civ. P. 26(a) disclosures on April 3, 2025.

29. Plaintiff produced their fourth supplemental Fed. R. Civ. P. 26(a) disclosures on May 1, 2025.

**B. DISCOVERY TO BE COMPLETED PURSUANT TO FED. R. CIV. P. 26(a):**

1. None.

**C. REASONS WHY PRETRIAL ORDER CANNOT BE COMPLETED BY DEADLINE SET FORTH IN SCHEDULING ORDER**

Under the controlling scheduling order [ECF NO. 41], the Pretrial Order is due May 23, 2025.

Since the previous request to modify scheduling order was granted, Defendant retained new counsel who will be filing the substitution of counsel shortly. The additional time requested in this special scheduling review would provide a reasonable amount of time to move this case forward, including allowing time for new counsel to appear, participate in ongoing settlement discussions, meet and confer regarding the Pretrial Order, and prepare and file the same. The parties therefore stipulate and propose a 60-day extension of the current Pretrial Order deadline, as follows:

**D. PROPOSED SCHEDULE**

Activity:	Current Deadline:	Proposed Deadline:
Last Day to Amend Pleadings/ Add Parties	Closed	No Change
Initial Expert Disclosure	Closed	No Change
Rebuttal Expert Disclosure	Closed	No Change
Close of Discovery	Closed	No Change
Dispositive Motion Deadline	Closed	No Change
Pretrial Order (if no dispositive motions are filed)	May 23, 2025	July 22, 2025

1 **IT IS SO STIPULATED.**

2 DATED this 1<sup>st</sup> day of May, 2025.

3 **CLOWARD TRIAL LAWYERS**

4  
5 /s/Dillon G. Coil, Esq.

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DATED this 1<sup>st</sup> day of May, 2025.

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/s/ Kimberly A. Nelson

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*Attorneys for Defendant Nevada Property 1  
LLC dba The Cosmopolitan of Las Vegas*

**ORDER**

15 **IT IS SO ORDERED.**

16 Dated: May 9, 2025

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UNITED STATES MAGISTRATE JUDGE

